

embly of the State of Ohio, That when the commissioners of any free turnpike road shall fail, either for the want of time or sufficient means, to complete such road, it may be lawful for the county commissioners of such county or counties, through which said road may be located, to grant such extension of time for the completion of the same, as to them may seem reasonable and proper; Provided, that said county commissioners may further continue, or cause to be continued, such special taxes as were, by the original act, or acts amendatory, authorized to be assessed for the construction of such road, upon application of a majority of the residents who are chargeable with such special tax.

Sec. 2. This act shall be in force for four years from and after its passage.

Sec. 3. All acts and parts of acts conflicting herewith, are hereby repealed.

F. C. LEBLOND,

Speaker of the House of Representatives.

ROBERT LEE,

President of the Senate, pro tem.

May 1st, 1854.

[85] AN ACT

To extend the jurisdiction of Justices of the Peace in civil cases, and to amend sections four, five, and seven, of the act entitled "an act of the jurisdiction and procedure before Justices of the Peace, and of the duties of Constables in civil cases," passed March fourteenth, one thousand eight hundred and fifty-three.

Sec. 1. Be it enacted by the General Assembly of the State of Ohio, That section four of the act entitled "an act for the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil cases," passed March fourteenth, one thousand eight hundred and fifty-three, be so amended as to read as follows: Section 4. Under the restrictions and limitations herein provided, justices of the peace shall have exclusive original jurisdiction of any sum not exceeding one hundred dollars, and concurrent jurisdiction with the court of common pleas in any sum over one hundred dollars and not exceeding three hundred dollars.

Sec. 2. That section five of the above mentioned act, be so amended as to read as follows: Section 5. When the balance claimed to be due, on any open or unsettled account, or any bill, note, or bond, shall be less than three hundred dollars, the party by whom such balance shall be claimed, may commence his action therefor before a justice of the peace, who shall have power, and he is hereby authorized to hear and determine the matters in controversy, without regard to the original account or contract, and he may render judgment for any balance found due not exceeding three hundred dollars; and if any plaintiff appeal from a judgment entered in his favor for such balance, and shall recover judgment for a sum greater than three hundred dollars, besides interest and costs, he shall not recover costs on such appeal.

Sec. 3. That section seven of the above named act, be so amended as to read as follows: Section 7. If any debtor shall appear before a justice of the peace, without process, and confess that he is indebted to another, it shall be lawful for such justice, on the application of the creditor, to render judgment on such confession against the debtor for any sum not exceeding three hundred dollars.

Sec. 5. That the original sections four, six, and seven, of the act to which this is amendatory, be, and the same are hereby repealed.

F. C. LEBLOND,

Speaker of the House of Representatives.

ROBERT LEE,

President of the Senate, pro tem.

May 1st, 1854.

[89] AN ACT

To amend section forty-nine of the Code of Civil Procedure of the State of Ohio.

Sec. 1. Be it enacted by the General Assembly of the State of Ohio, That section forty-nine of the Code of Civil Procedure of the state of Ohio, be, and the same is hereby amended so as to read as follows: Section 49. An action against the owner of a line of mail stages, or other coaches, for an injury to person or property, upon the road or line, or upon a liability as carrier, and any action against a railroad company, may be brought in any county through or into which

such road or line passes; and said original section forty-nine is hereby repealed.

F. C. LEBLOND,

Speaker of the House of Representatives.

ROBERT LEE,

President of the Senate, pro tem.

May 1st, 1854.

[90] AN ACT

Supplementary to the act entitled "an act defining the jurisdiction and regulating the practice of Probate Courts," passed March 14, 1853, and to amend said act.

Sec. 1. Be it enacted by the General Assembly of the State of Ohio, That the second section of the act entitled "an act defining the jurisdiction and regulating the practice of Probate Courts," passed March 14, 1853, be amended so as to read as follows: Sec. 2. The Probate Court shall have exclusive jurisdiction, except as hereinafter provided.

First. To take the proof of wills, and to admit to record authenticated copies of wills executed, proved and allowed in the courts of any other state, territory, or country.

Second. To grant and revoke letters testamentary, and of administration.

Third. To direct and control the conduct, and to settle the accounts of executors and administrators, and to order the distribution of estates.

Fourth. To appoint and remove guardians, to direct and control their conduct, and to settle their accounts.

Fifth. To grant marriage licenses, and licenses to ministers of the gospel to solemnize marriages.

Sixth. To make inquests respecting lunatics, insane persons, idiots, and deaf and dumb persons, subject by law to guardianship.

Seventh. To make inquests of the amount of compensation to be made to the owners of real estate, when appropriated by any corporation legally authorized to make such appropriation.

Eighth. In the criminal cases hereinafter specified.

Ninth. To try contests of the election of Justices of the Peace.

Sec. 2. That section eight of said act be amended so as to read as follows: Sec. 8. Letters testamentary, or of administration or guardianship, shall not be issued to any person, after his election to the office of Probate Judge, and before the expiration of his term of office; and if any probate judge shall be interested as heir, legatee, devisee, or in any other manner, in any estate which would otherwise be settled in the county where he resides, all such estates, and all accounts of guardians, in which said probate judge may be interested shall be settled by the Probate Court of an adjoining county.

Sec. 3. That appeals may be taken from any order, decision or decree, of the probate court, in settling the accounts of an executor, administrator or guardian, or in the proceedings for the completion of real contracts, by any person against whom such order, decision or decree shall be made, or who may be effected thereby, to the court of common pleas, and the cause so appealed shall be tried, heard, and decided in the court of common pleas, in the same manner as though the said court of common pleas had original jurisdiction thereof: Provided, that no such appeal shall be taken unless the value of the property, or the amount in controversy, exceeds the sum of one hundred dollars.

Sec. 4. The person desiring to take an appeal as provided in section three, shall, within twenty days after the making of the order, decision or decree, from which he desires to appeal, give a written undertaking, executed on the part of the person appealing, to the adverse party, with one or more sufficient sureties, to be approved by the Probate Judge, and conditioned that the party appealing shall abide and perform the order, judgment or decree, of the appellate court, and shall pay all moneys, costs and damages, which may be required of or awarded against said party, by such court. When the order, decision or decree, from which the appeal is taken, directs the payment of money, the undertaking shall be in double the amount thereof, and in other cases, in such amount as shall be prescribed by the probate court.

Sec. 5. The probate judge shall, upon the giving of the undertaking, as provided in section four, make out an authenticated transcript of the docket or journal entries, and of the order, decision or decree appealed from, which shall be filed with the clerk of the court of common pleas, on or before the second day of the term of said court next after an undertaking is given, as hereinbefore provided, by the person appealing, and the appeal shall thereupon be considered perfected. The original papers, pertaining to the cause, may be used upon the trial, or hearing, in the court of common pleas.

Sec. 6. When an appeal is taken as hereinbefore provided, by any person as executor, administrator or guardian, who has given bond as such in this State, no undertaking shall be required from such executor, administrator or guardian.

Sec. 7. Upon the decision of any cause, appealed to the court of common pleas, the clerk of said court shall make out an authenticated transcript of the order, judgment and proceedings of said court therein, and shall file the same with the probate judge, who shall record the same, and the proceedings thereafter shall be the same as if such order, judgment and proceedings, had been had in the probate court.

Sec. 8. The following books shall be kept by the probate court, and blank books for the purpose shall be procured by the county auditor, at the expense of the county:

1st. A criminal record, in which shall be made a fair and accurate entry of all criminal actions instituted in said court, with the proceedings had therein.

2d. A civil docket, in which shall be noted the names of parties to all actions and proceedings, and the name of the deceased person, infant, insane person, idiot, or lunatic, in the matter of whose estate the said court shall exercise jurisdiction; it shall also contain a minute of the time of the commencement of such actions and proceedings, and filing the papers relating to any matter in such court, and also a brief note of all orders made in such action, proceeding, or matter, and the time of entering the same.

3d. A journal, in which shall be kept minutes of all official business, transacted in the probate court, or by the probate judge, in all civil actions and proceedings.

4th. A record of wills, in which shall be recorded all wills proven in such court, with a certificate of the probate thereof, and all wills proven elsewhere, with the certificate of probate, authenticated copies of which have been admitted to record by said court.

5th. A final record, which shall contain a complete record in each cause, or matter, of all petitions, answers, and demurrers, motions, returns, reports, verdicts, awards, orders, and judgments; and which record shall be made up and completed within ninety days after the final order or judgment shall have been made in any of the matters aforesaid; and he shall also, within thirty days after the return of the same, record all inventories, sale bills, and allowances to widows, in a book to be provided for that purpose.

6th. A record of accounts, which shall contain an entry of the appointment of executors, administrators and guardians, and all partial and final accounts of executors, administrators and guardians, and the orders and proceedings of the courts thereon, within sixty days after the filing and approval of the same.

7th. An execution docket, in which shall be entered a memorandum of all executions issued by the probate judge, both in civil and criminal cases, stating the names of the parties, the name of the person to whom delivered, and his return thereon.—It shall also contain the date of issuing the execution, and the amount ordered to be collected, stating the costs separately from the fine or damages and the payments thereon, and the satisfaction thereof, when the same is satisfied. To each of said books shall be attached an index, securely bound in the volume, which shall at all times be kept up with the entries therein, and refer to such entries alphabetically, by the names of the parties or person in which it is originally entered, indicating the page of the book where the entry is made.

Sec. 9. That sections two, eight, and eleven, of the act aforesaid, be, and the same are hereby repealed.

F. C. LEBLOND,

Speaker of the House of Representatives.

ROBERT LEE,

President of the Senate, pro tem.

May 1st, 1854.

[93] AN ACT.

To prevent the adulteration of Alcoholic Liquors.

Sec. 1. Be it enacted by the General Assembly of the State of Ohio, That if any person shall adulterate any spirituous or alcoholic liquors, by mixing the same with any substance of whatever kind, except as hereinafter provided; or if any person shall sell or offer to sell any spirituous or alcoholic liquors, knowing the same to be thus adulterated, or shall import into this State, any spirituous or intoxicating liquors, and sell or offer for sale such liquors, knowing the same to be adulterated, or shall sell or offer to sell any spirituous or intoxicating liquors, not inspected as hereinafter provided, he, she, or they shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding five hundred dollars, nor less than one hundred dollars, and shall be imprisoned in the jail of the county, not more than thirty, nor less than ten days.

Sec. 2. The probate judge in each county in this State shall appoint a competent chemist as inspector, whose duty shall be to inspect all alcoholic liquors imported into or manufactured in the county in which he is inspector, unless the same shall have the inspector's brand of some other county in this State, which brand shall be evidence of the purity of the article.

Sec. 3. Said inspector shall, before entering upon the duties of his office, give an undertaking which shall be approved by the judge of probate, in the penal sum of not less than one hundred, nor more than one thousand dollars, running to the county, and shall take and subscribe an oath to faithfully discharge the duties of his office.

Sec. 4. Said inspector shall keep an accurate account of all liquors by him inspected, and place his mark on the casks or barrels, pure, if so found, if not, impure; and when he shall find any adulterated liquors, he shall give notice to the prosecuting attorney of the county, of the person owning and offering for sale, or offering for sale such adulterated liquors, who shall forthwith institute proceedings against such person as herein after provided; and if, upon said trial, he, she, or they shall be found guilty of a violation of any of the provisions of this act, said inspector shall forthwith destroy such adulterated liquor. Said inspectors shall each be entitled to receive for their services aforesaid, two dollars per day, and mileage at the rate of five cents per mile, for each mile he may necessarily be required to travel in the discharge of his duties, from the owner of the same or the person offering to sell.

Sec. 5. Any person who shall put into barrel, cask, or other vessel, branded or marked pure, by any inspector in this State, adulterated liquors, sell or offer for sale such liquors for the purpose of deceiving any persons by the sale thereof, shall be deemed guilty of an attempt to practice a fraud, and upon conviction thereof, shall be imprisoned in the penitentiary not more than twelve months.

Sec. 6. The provisions of this act shall not be so construed as to prevent druggists, physicians, and persons engaged in the mechanical arts, from adulterating liquors for medical and mechanical purposes.

Sec. 7. Prosecutions for violations of the first section of this act, shall be commenced by information, filed in the Probate Court of the proper county, by the prosecuting attorney thereof; which information may be filed without a previous examination before a magistrate, and the proceedings, after the filing of the information, shall be the same as in other criminal cases in the probate court.

F. C. LEBLOND,

Speaker of the House of Representatives.

ROBERT LEE,

President of the Senate, pro tem.

May 1, 1854.